

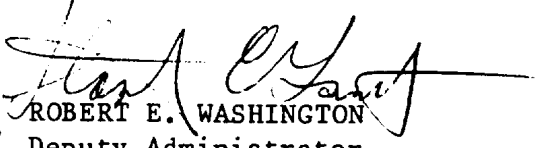
ACTION BY: Regional Directors
Special Nutrition Programs

Handling Freedom of Information Requests for Day Care Homes

The purpose of this Instruction is to provide you with guidance regarding Freedom of Information Act (FOIA) requests for information on Child and Adult Care Food Program (CACFP) day care home providers. The information contained in this Instruction pertains only to regional office administered programs (federally-operated). Any FOIA requests received by State agencies should be handled by the State agencies under applicable State freedom of information laws and procedures.

It is permissible under the FOIA to release the names of family day care home providers. However, prior to releasing providers' addresses, regional offices must determine why they are being requested and how they will be used. Regional offices must subsequently exercise discretion in assessing whether it will be in the public's interest to make the providers' addresses available or if releasing such information could adversely affect or be harmful to the providers. However, if the request is denied, regions must cite the exemption upon which the denial is based and advise the requestor of the appeal rights in accordance with the FNS Instruction 160-2, Rev. 2, Availability of Information and Records to the Public.

For example, recognized organizations, such as advocacy groups, would probably have legitimate reasons (in the public's interest) for requesting information such as providers' addresses. Nevertheless, regional offices must ensure that reasons for requests of this nature are justifiable and explicit prior to providing the information. If there is any difficulty in making an administrative decision, or if unusual circumstances exist, regional offices may seek guidance from the FNS FOIA officer by submitting the request, with pertinent information, to this office.


ROBERT E. WASHINGTON
Deputy Administrator
for Special Nutrition Programs

DISTRIBUTION: 5, 6, 11, 14	MANUAL MAINTENANCE INSTRUCTIONS: Remove FNS Instruction 788-8 from Manual. Insert this Instruction.	RESPONSIBLE FOR PREPARATION AND MAINTENANCE: CND-100	7-29-91
-------------------------------	--	---	---------